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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,255	06/01/2001	Hosei Kitazawa	09792909-5058	4736

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SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

ELMORE, JOHN E

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,255

Applicant(s)

KITAZAWA ET AL.

Examiner

John Elmore

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/01/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-13 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-6, 12 and 13 are rejected under 35 U.S.C. 102(b)** as being anticipated by Goto et al. (US 5,471,267), hereafter Goto.

Regarding claim 1, Goto also discloses in the third embodiment of an image recording apparatus:

an image generating means for generating an image signal of the arbitrary image (Fig. 10; col. 5, lines 62-65);

related information storing means for storing registration information of a registration image containing information about a copyright of the arbitrary image and related information relating to the registration image (frame, date, and time information related to copyright stored in non-volatile memory 131; Fig. 12; col. 2, lines 58-64; col. 7, lines 3-7; col. 11, lines 12-16);

registration image data storing means for storing image data of the registration image (registration image data is stored in memory 131; col. 8, lines 35-42; col. 11, lines 12-16);

image combining control means for reading out the registration image data, generating a registration image signal based on the registration image data by referring to the related information, and generating a combined image signal by combining the registration image signal with the image signal of the arbitrary image (registration image data read out of memory 131 to CPU 124 in order to drive an LED array or LCD 132 and combined with image signal from camera; Fig. 13-16; col. 12, lines 51-53; col. 13, lines 11-16 and 54-67); and

combined image output means for outputting the combined image signal to an arbitrary device including the prescribed recording medium (combined image signal recorded on photographic film; col. 13, lines 11-16 and 54-59).

Further regarding claim 1, Goto discloses in the fourth embodiment of an image recording apparatus:

an image generating means for generating an image signal of the arbitrary image (Fig. 17; col. 5, lines 62-65);

related information storing means for storing registration information of a registration image containing information about a copyright of the arbitrary image and related information relating to the registration image (frame, date, and time information related to copyright stored in memory of CPU 236; Fig. 27; col. 2, lines 58-64; col. 7, lines 3-7; col. 20, lines 3-39);

registration image data storing means for storing image data of the registration image (registration image data stored as mask 269 of card 268 in databack 205; Fig. 19 and 22; col. 14, lines 25-28; col. 15, lines 44-49);

image combining control means for reading out the registration image data, generating a registration image signal based on the registration image data by referring to the related information, and generating a combined image signal by combining the registration image signal with the image signal of the arbitrary image (registration image data read out of card 268 upon data recording signal received from camera 201 and combined with image signal from camera lens 287 via prisms 300 and 283; Fig. 21, 27 and 28; col. 18, lines 46-49; col. 21, lines 22-50; col. 22, lines 9-13); and

combined image output means for outputting the combined image signal to an arbitrary device including the prescribed recording medium (combined image signal passes from lens 287 and is redirected via prism 283 through hole 267 to expose photographic film; Fig. 21; col. 21, lines 9-50).

Regarding claim 2, Goto teaches all the limitations of claim 1 (fourth embodiment), and further teaches that

the registration image data storing means is detachable (card 268 is detachable from databack 205, fitting into loading portion 273; Fig. 19), and

wherein the combined image output means does not record the combined image signal on the prescribed recording medium if the registration image data does not exist in the registration image data storing means (combined image signal not recorded if

card 268 containing registration image data is not present or on as indicated by switch 262; Fig. 28; col. 18, lines 43-49).

Regarding claim 3, Goto teaches all the limitations of claim 1 (fourth embodiment), and further teaches that the image generating means is imaging means for producing an image by shooting a prescribed object and converting it into an image signal (image generating means is a camera which shoots an object and converts it into an image signal; Fig. 17; col. 5, lines 62-65).

Regarding claim 4, Goto teaches all the limitations of claim 1 (third embodiment), and further teaches that the related information storing means stores, in setting the registration image, prescribed judgment information to be used for judging legitimacy of the registration image data (col. 8, line 66, through col. 9, line 5; col. 9, line 46, through col. 10, line 24).

Regarding claim 5, Goto teaches all the limitations of claim 1 (third embodiment), and further teaches that the related information storing means is a nonvolatile memory (memory 131; col. 11, line 12).

Regarding claim 6, Goto teaches all the limitations of claim 1 (third embodiment), and further teaches that the apparatus comprises setting input means (buttons 108) for inputting prescribed setting information including a setting of the registration image and a setting relating to display of the registration image, and for storing the setting information in the related information storing means (Fig. 10; col. 6, lines 61-62; col. 8, lines 32-55; col. 10, lines 33-39; col. 11, lines 12-16).

Regarding claim 12, this is a method version of claim 1 (fourth embodiment) with the additional limitation, for which Goto teaches, that registration information of a registration image containing information about a copyright of an arbitrary image, related information relating the registration image, and image data of the registration image are stored in advance (mask portion 269 of card 268 stores registration image in advance of camera use; col. 14, lines 17-28).

Regarding claim 13, this is a method version of claim 2 (fourth embodiment) with the additional limitation, for which Goto teaches, that registration information of a registration image containing information about a copyright of an arbitrary image, related information relating the registration image, and image data of the registration image are stored in advance (mask portion 269 of card 268 stores registration image in advance of camera use; col. 14, lines 17-28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto in view of Sasson et al. (US 5,106,107), hereafter Sasson.

Regarding claim 7, this is the same as claim 1 (third embodiment) with the additional limitation that the registration image data storing means is detachable.

Goto teaches that the registration image data storing means is a non-volatile memory (memory 131; col. 11, lines 12-16), but Goto does not explain that the registration image data storing means is detachable.

However, Sasson teaches a camera wherein the image data storing means (non-volatile memory 24) is detachable (Fig. 4A, col. 4, lines 19-24) for the purpose of providing a practical alternative to conventional film (col. 1, lines 42-66). One of ordinary skill in the art at the time the invention was made would recognize that the storage means for storing image data representing image signals produced by the camera would work equally well for the storage of registration image data, as each require merely a non-volatile memory addressable by the microprocessor of the camera, and that usage of the same memory unit for both type of images would be less expensive than employing separate memory units.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Goto with the teaching of Sasson such that the registration image data storing means is detachable. One would be motivated to do so in order to provide a practical alternative to conventional film at minimal expense.

Regarding claim 8, the modified device of Goto and Sasson is relied upon as applied to claim 7, and Goto and Sasson further teach that wherein the image generating means is imaging means for producing an image by shooting a prescribed object and converting it into image data (image generating means is a camera which shoots an object and converts it into an image signal; Goto, Fig. 17, and col. 5, lines 62-65). Therefore, for reasons provided above, such a claim also would be obvious.

Regarding claim 9, the modified device of Goto and Sasson is relied upon as applied to claim 7, and Goto and Sasson further teach that the related information storing means stores, in setting the registration image, prescribed judgment information to be used for judging legitimacy of the registration image data (col. 8, line 66, through col. 9, line 5; col. 9, line 46, through col. 10, line 24). Therefore, for reasons provided above, such a claim also would be obvious.

Regarding claim 10, the modified device of Goto and Sasson is relied upon as applied to claim 7, and Goto and Sasson further teach that the related information storing means is a nonvolatile memory (memory 131; Goto, col. 11, line 12). Therefore, for reasons provided above, such a claim also would be obvious.

Regarding claim 11, the modified device of Goto and Sasson is relied upon as applied to claim 7, and Goto and Sasson further teach that the apparatus comprises setting input means (buttons 108) for inputting prescribed setting information including a setting of the registration image and a setting relating to display of the registration image, and for storing the setting information in the related information storing means (Fig. 10; col. 6, lines 61-62; col. 8, lines 32-55; col. 10, lines 33-39; col. 11, lines 12-16). Therefore, for reasons provided above, such a claim also would be obvious.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

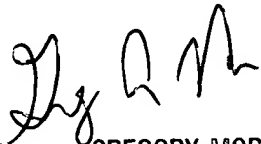
Oguro (EP 0648050A2) discloses a digital image signal recording device that records a copyright protection signal along with the image signal onto a video tape.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Elmore whose telephone number is 571-272-4224. The examiner can normally be reached on M 10-8, T-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JE


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100